IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30030 of 2007(Y)

PETITIONER:

MARY GEORGE,
A. 77/764, MIG COLONY, BANDRA (EAST),
MUMBAI-400 051.

BY ADV. SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN

RESPONDENTS:

---

1. THE CHIEF MANAGER,
KERALA FINANCIAL CORPORATION, K.M.M.COMPLEX,
KOKKALA, THRISSUR.

2. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR.

3. DEPUTY TAHSILDAR (R.R.),
KFC, THRISSUR.

4. SUB REGISTRAR,
N.PARAVUR.

BY GOVERNMENT PLEADER SRI.I.V. PRAMOD
SC FOR KFC, V.B. UNNIRAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 30030/2007

Dated this the 10th day of October, 2007

JUDGMENT

The prayer in this writ petition is to direct the first respondent to lift the attachment in respect of the property mortgaged by the petitioner.

2. This is a case where the petitioner was a defaulter to KFC. Following the initiation of revenue recovery proceedings, petitioner availed of the benefit of One Time Settlement scheme and discharged the liabilities due to KFC. KFC has intimated the same to the Revenue Recovery Authorities, but then for want of payment of collection charges, Revenue Recovery Authorities have refused to lift the attachment and as a result, attachment has not been lifted. Now that the liability of the first respondent has been discharged in full by the petitioner, there is no warrant for continuing the attachment.

3. As regards the claim of the Revenue Recovery Authorities is concerned, petitioner cannot be made liable for collection charges since no amount has been

recovered in pursuance to revenue recovery proceedings. That apart, in view of the amendment of section 71 of the Act, Revenue Recovery Authorities cannot proceed against the petitioner.

4. Therefore, writ petition is disposed of directing the respondents to lift the attachment of the petitioner's property as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this judgment.

5. Necessary intimation shall be given to the fourth respondent, Sub Registrar, also in this regard.

ANTONY DOMINIC
Judge

mrcs